

# STATE OF ALASKA

## Department of Education & Early Development

### *Teaching & Learning Support*

**SARAH PALIN, GOVERNOR**

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**To:** Superintendents

**cc:** Title I Coordinators

**From:** Margret MacKinnon  
Title I/NCLB Administrator

**Date:** July 17, 2009

**Subject: Notification of Alaska's Intent to Apply for Title I, Part A Waivers**

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The Alaska Department of Education & Early Development plans to request waivers of certain provisions of Title I, Part A, in particular those that are impacted by the Title I, Part A funds received under the American Recovery & Reinvestment Act (ARRA). Each waiver request is summarized below. If the waivers are approved by the US Department of Education, each LEA (local education agency, also known as school districts in Alaska) will be required to submit specific information to the department for each waiver requested by the LEA. This notice is to meet the notification requirements under Section 9401(b)(3)(A)(i) of the Elementary and Secondary Education Act. **Districts are invited to submit comments to the department no later than July 24, 2009. After that date, the department will submit the waiver requests with district comments to the US Department of Education (USED) for approval. Comments may be submitted to Eric Fry by email at [eric.fry@alaska.gov](mailto:eric.fry@alaska.gov) or by fax at 907-465-4156.**

The draft waiver request for each provision is attached to this notice. The complete waiver guidance is posted on the US Department of Education website at <http://www.ed.gov/policy/gen/leg/recovery/programs.html>. Scroll down to the link under **Title I, Part A Recovery Funds for Grants to Local Educational Agencies, Non-Regulatory Guidance on Title I, Part A Waivers**. If you have specific questions on how a waiver would apply to your district, please contact Sheila Box at 907-465-8743 or [sheila.box@alaska.gov](mailto:sheila.box@alaska.gov).

- 1. Waive prohibition on the state approving an LEA that has been identified in improvement or corrective action as an SES provider.** The department will request this waiver to allow the Anchorage School District to continue serving as an SES provider. Anchorage has been approved as an SES provider since September 2006 through a pilot program with the US Department of Education. We must apply for a waiver for the 2009-2010 school year. The USED intends to propose changes to the regulation that prohibits other schools or districts in improvement from being approved as SES providers. If that regulation change is adopted, Alaska will accept applications from other schools and districts in improvement, corrective action, or restructuring during the next application for SES providers.

#### **Waivers of the “set-aside” requirements**

- 2. Request to exclude part or all of the Title I, Part A ARRA funds in determining an LEA’s 20 percent obligation for choice-related transportation and SES.**
- 3. Request to exclude some or all of the Title I, Part A ARRA funds in determining the 10 percent professional development set-aside for an LEA in improvement.**
- 4. Request to exclude some or all of the Title I, Part A ARRA funds in determining the 10 percent professional development set-aside for a school in improvement.**

The department will request these waivers on behalf of all districts with Title I schools at Level 2 or above and all Title I districts at Level 2 or above. Each district that requests one or more of these waivers must report to the department the amount of the Title I ARRA funds that it seeks to exclude from its district allocation for each specific obligation. Note that the district is not required to exclude the same amount of its ARRA allocation for each different obligation. In applying for one or more of these waivers, each district must assure the department that:

- The LEA will comply with its statutory and regulatory obligations for the set-aside with respect to its regular Title I, Part A allocation;
- The LEA will use the funds freed up by the waiver to address needs identified based on data, such as Statewide or formative assessment results;
- The LEA will comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research”; and
- The LEA will submit, if necessary, an amendment to tabs e, “District Data Analysis” and g “Program Activities” of its existing NCLB Consolidated Grant Application for 2009-2010 that describes the data on which it relied to identify needs that will be addressed using the funds freed up by the waiver and the evidence that supports the strategies it intends to use to address those needs.

In applying for a waiver to exclude ARRA funds from the 10% professional development obligation for a school in improvement, each district must assure that:

- The LEA will ensure that its schools comply with their statutory and regulatory obligations for the set-aside with respect to the funds that are not “factored out” in accordance with C-9;
- The LEA will ensure that its schools use the funds freed up by the waiver to address needs identified based on data, such as Statewide or formative assessment results or;
- The LEA will comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research”; and
- The LEA will ensure that each school spends at least 10% of the portion of its total allocation that is the same portion that the regular Title IA funds represent of the total district allocation for Title IA regular plus ARRA funds. (See question C-9 in the Non-Regulatory Guidance on Title I, Part A Waivers July 2009 for the required formula.)

- 5. Request to exclude some or all of the Title I, Part A ARRA funds in determining the per-pupil amount for SES.** The department will request this waiver on behalf of all districts with Title I schools at Level 2 or above. Each district that requests this waiver must report to the department the amount of the Title I ARRA funds that it seeks to

exclude from its district allocation to calculate the per-pupil amount that it is required to provide for SES. In addition, each district must assure that:

- the LEA will comply with all of the statutory and regulatory requirements regarding the provision of SES with respect to its regular FY 2009 Title I, Part A allocation; and
- the LEA will comply with all other Title I, Part A statutory and regulatory requirements (to the extent they are not waived), including the requirements in sections 1114 and 1115 of the ESEA to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research.”

6. **Request to waive the provision in section 1127(b) of the ESEA that prohibits an SEA from granting to an LEA a waiver of the carryover limitation more than once every three years.** The department will request this waiver on behalf of all districts so that districts may request to carryover more than 15% of the annual Title I, Part A allocation for any or all of the state fiscal years for FY09, FY10 and FY11 into the next fiscal year. Each district that requests a waiver of the carryover limitation will submit a letter of request to the department indicating the need to carryover more than 15% of its allocation and may submit a request early in the 2009-2010 school year to facilitate the ability to plan how to carry forward funding into the 2010-2011 school year.

***Draft Alaska Title I-A Waiver Requests***  
***July 2009***

**1. REQUEST TO WAIVE PROHIBITION ON APPROVING AN IDENTIFIED SCHOOL OR LEA AS AN SES PROVIDER**

Dear Assistant Secretary:

I am writing on behalf of Alaska to request a one-year waiver of the Title I, Part A regulatory provision that prohibits a State from approving as providers of supplemental educational services (SES) schools identified for improvement, corrective action, or restructuring and local educational agencies (LEAs) identified for improvement or corrective action (34 C.F.R. § 200.47(b)(1)(iv)(A), (B)).

Under the law, Alaska may approve as an SES provider only an entity that has a demonstrated record of effectiveness in increasing student academic achievement. Alaska believes that identified schools and LEAs may be able to establish that they have an effective program that can help improve academic achievement of students and should not be prevented automatically from gaining approval simply because of their improvement status. The Anchorage School District has been approved as an SES provider since September 2006 under the previous pilot program approved by the US Department of Education. Alaska is requesting this waiver to allow the Anchorage School District to continue to serve as an SES provider for the 2009-2010 school year.

Alaska has set the following annual measurable objectives (AMOs) in reading and mathematics, subjects that are among those covered by SES providers in Alaska for the 2009–2010 school year:

School Year	Annual Measurable Objective for Language Arts	Annual Measurable Objective for Math
2009-2010	77.18%	66.09%

Alaska will determine adequate yearly progress (AYP) based on assessments administered in the 2009–2010 school year in accordance with the requirements of section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (ESEA) and in accordance with the growth model approved by the Department. Alaska believes that, ultimately, allowing some identified schools or LEAs to serve as SES providers may help more students within Alaska to reach the State’s proficiency objectives.

If Alaska is granted the requested waiver, Alaska will ensure that only those LEAs and schools that meet the State’s requirements for SES providers are approved to be on the State’s list of approved SES providers for the 2009–2010 school year.

Prior to submitting this waiver request, Alaska provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Alaska provided such notice by sending an email to each LEA on July 17, 2009 (see copy of notice attached). Copies of all comments that Alaska received from LEAs in response to the notice are attached hereto. Alaska has also provided notice and information regarding this waiver request to the public in the manner in which Alaska customarily provides such notice and information to the public by publishing the notice on the department’s website at [www.eed.state.ak.us](http://www.eed.state.ak.us) and by publishing the link to the notice in the regularly published *Information Exchange* on July 17, 2009. (See attached copy of public notice).

Alaska hereby assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2010, a report that provides the total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2009–2010 school year and the total number of schools identified for improvement, corrective action, or restructuring that were approved to be an SES provider for the 2009–2010 school year.

***Draft Alaska Title I-A Waiver Requests***  
***July 2009***

Please feel free to contact me by phone at 907-465-28570 or by email at [cynthia.curran@alaska.gov](mailto:cynthia.curran@alaska.gov) if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Cynthia Curran, Director  
Teaching and Learning Support

***Draft Alaska Title I-A Waiver Requests***  
***July 2009***

**2. REQUEST TO EXCLUDE TITLE I, PART A ARRA FUNDS IN DETERMINING AN LEA’S 20 PERCENT OBLIGATION FOR CHOICE-RELATED TRANSPORTATION AND SES**

Dear Assistant Secretary:

I am writing on behalf of all local educational agencies (LEAs) in Alaska that receive funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) to request a waiver for fiscal year (FY) 2009 of the requirement in section 1116(b)(10) of the ESEA and in 34 C.F.R. § 200.48(a)(2) to determine an LEA’s “20 percent obligation” for public school choice-related transportation and supplemental educational services (SES) based on the LEA’s total FY 2009 Title I, Part A allocation (*i.e.*, including both its regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)). Specifically, I am seeking this waiver to allow LEAs within Alaska to exclude some or all of the Title I, Part A funds they receive under the ARRA in calculating their “20 percent obligation” for choice-related transportation and SES.

Alaska believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing each LEA within Alaska with flexibility to spend ARRA funds that the LEA would otherwise be obligated to spend on SES or choice-related transportation on other allowable Title I, Part A activities that the LEA believes best address the particular needs of its students.

Alaska has set the following annual measurable objectives (AMOs) in reading and mathematics for the 2009–2010 school year:

School Year	Annual Measurable Objective for Language Arts	Annual Measurable Objective for Math
2009-2010	77.18%	66.09%

Alaska will determine adequate yearly progress (AYP) based on assessments administered in the 2009–2010 school year in accordance with the requirements of section 1111(b)(2) of the ESEA and in accordance with the growth model approved by the Department. Alaska believes that, ultimately, the flexibility provided by the requested waiver with respect to how ARRA funds may be spent for allowable Title I, Part A activities may help more schools and LEAs within the State make AYP by enabling them to direct funds appropriately to help their students meet the AMOs set forth above.

Alaska hereby assures that, if it is granted the requested waiver, Alaska will implement the waiver only with respect to an LEA that provides assurances that:

- It will comply with its statutory and regulatory obligations for the provision of SES and public school choice with respect to its regular Title I, Part A allocation;
- It will use the funds freed up by the waiver to address needs identified based on data, such as Statewide or formative assessment results;
- It will comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research;” and
- It will submit an application for Title I funds, or, if necessary, an amendment to its existing LEA application, that describes the data on which it relied to identify needs that will be addressed using the funds freed up by the waiver and the evidence that supports the strategies it intends to use to address those needs.

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Alaska further assures that it will not approve an LEA's application or amendment to an LEA's application unless or until it determines that, based on the LEA's description, the LEA has satisfied its obligation to identify needs based on data and address those needs using evidence-based strategies. Alaska will not approve an LEA to implement the waiver unless or until the LEA has an approved application (or amended application) that includes the required description of the data on which the LEA relied to identify needs and the evidence that supports the strategies to address those needs. If necessary to carry out these assurances, Alaska will require an LEA seeking to implement the waiver to amend its application in accordance with Alaska's usual process for changing an LEA's application.

Prior to submitting this waiver request, Alaska provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Alaska provided such notice by sending an email to each LEA on July 17, 2009 (see copy of notice attached). Copies of all comments that Alaska received from LEAs in response to this notice are attached hereto. Alaska has also provided notice and information regarding this waiver request to the public in the manner in which Alaska customarily provides such notice and information to the public by publishing the notice on the department's website at [www.eed.state.ak.us](http://www.eed.state.ak.us) and by publishing the link to the notice in the regularly published *Information Exchange* on July 17, 2009. (See attached copy of public notice).

Alaska hereby assures that, if it is granted the requested waiver, it will submit to you, by September 30, 2010, a report that sets forth the name and NCES District Identification Number for each LEA implementing the waiver.

Please feel free to contact me by phone at 907-465-28570 or by email at [cynthia.curran@alaska.gov](mailto:cynthia.curran@alaska.gov) if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Cynthia Curran, Director  
Teaching and Learning Support

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**3. REQUEST TO EXCLUDE TITLE I, PART A ARRA FUNDS IN DETERMINING THE 10 PERCENT PROFESSIONAL DEVELOPMENT SET-ASIDE FOR AN LEA IN IMPROVEMENT**

Dear Assistant Secretary:

I am writing on behalf of all local educational agencies (LEAs) in Alaska that are identified for improvement under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) to request a waiver for fiscal year (FY) 2009 of the requirement in section 1116(c)(7)(A)(iii) of the ESEA to determine an LEA's 10 percent professional development set-aside based on the LEA's total FY 2009 Title I, Part A allocation (*i.e.*, including both its regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)). In particular, I am seeking this waiver to allow LEAs within Alaska that are identified for improvement to exclude some or all of the Title I, Part A funds they receive under the ARRA in calculating their 10 percent professional development set-aside.

Alaska believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing each LEA within Alaska with flexibility to spend ARRA funds that the LEA would otherwise be obligated to spend on professional development on other allowable Title I, Part A activities that the LEA believes best address its particular needs. Alaska believes that the basic 10 percent set-aside, which LEAs will still have to provide, is substantial and that requiring significantly more funds to be spent on professional development, absent actual need, may actually be counter-productive by overwhelming teachers, many of whom are already over-scheduled and cannot meaningfully absorb substantially more professional development. Through the waiver, each LEA can determine whether its professional development needs warrant expending Title I, Part A ARRA funds to meet those needs.

Alaska has set the following annual measurable objectives (AMOs) in reading and mathematics for the 2009–2010 school year:

School Year	Annual Measurable Objective for Language Arts	Annual Measurable Objective for Math
2009-2010	77.18%	66.09%

Alaska will determine adequate yearly progress (AYP) based on assessments administered in the 2009–2010 school year in accordance with the requirements of section 1111(b)(2) of the ESEA, and in accordance with the growth model approved by the Department. Alaska believes that, ultimately, the flexibility provided by the requested waiver with respect to how ARRA funds may be spent for allowable Title I, Part A activities may help more schools and LEAs within the State make AYP by enabling them to direct funds appropriately to help their students meet the AMOs set forth above.

Alaska hereby assures that, if it is granted the requested waiver, Alaska will implement the waiver only with respect to an LEA that provides assurances that:

- It will comply with its statutory and regulatory obligations for the professional development set-aside with respect to its regular Title I, Part A allocation;
- It will use the funds freed up by the waiver to address needs identified based on data, such as Statewide or formative assessment results;
- It will comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research,” and



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- It will submit an application for Title I funds (referred to herein as “LEA application”), or, if necessary, an amendment to its existing LEA application, that describes the data on which it relied to identify needs that will be addressed using the funds freed up by the waiver and the evidence that supports the strategies it intends to use to address those needs.

Alaska further assures that it will not approve an LEA’s application or amendment to an LEA’s application unless or until it determines, based on the LEA’s description, that the LEA has satisfied its obligation to identify needs based on data and address those needs using evidence-based strategies. Alaska will not approve an LEA to implement the waiver unless or until the LEA has an approved application (or amended application) that includes the required description of the data on which the LEA relied to identify needs and the evidence that supports the strategies to address those needs. If necessary to carry out these assurances, Alaska will require an LEA seeking to implement the waiver to amend its application in accordance with Alaska’s usual process for changing an LEA’s application.

Prior to submitting this waiver request, Alaska provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Alaska provided such notice by sending an email to each LEA on July 17, 2009 (see copy of notice attached). Copies of all comments that Alaska received from LEAs in response to this notice are attached hereto. Alaska has also provided notice and information regarding this waiver request to the public in the manner in which Alaska customarily provides such notice and information to the public by publishing the notice on the department’s website at [www.eed.state.ak.us](http://www.eed.state.ak.us) and by publishing the link to the notice in the regularly published *Information Exchange* on July 17, 2009. (See attached copy of public notice).

Alaska hereby assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2010, a report that sets forth the name and NCES District Identification Number for each LEA implementing the waiver.

Please feel free to contact me by phone at 907-465-28570 or by email at [cynthia.curran@alaska.gov](mailto:cynthia.curran@alaska.gov) if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Cynthia Curran, Director  
Teaching and Learning Support

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**4. REQUEST TO EXCLUDE TITLE I, PART A ARRA FUNDS IN DETERMINING THE 10 PERCENT PROFESSIONAL DEVELOPMENT SET-ASIDE FOR A SCHOOL IN IMPROVEMENT**

Dear Assistant Secretary:

I am writing on behalf of all local educational agencies (LEAs) in Alaska with schools that are identified for improvement under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) to request a waiver for fiscal year (FY) 2009 of the requirement in section 1116(b)(3)(A)(iii) of the ESEA to determine a school's 10 percent professional development set-aside based on the total amount of funds made available to the school under section 1113 of the ESEA for FY 2009 (*i.e.*, including funds made available from both the LEA's regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)). In particular, I am seeking this waiver to allow Title I schools within Alaska that are identified for improvement to calculate their 10 percent professional development set-aside in accordance with the following formula:

the amount of Title I, Part A funds received by the school under section 1113 of the ESEA

multiplied by

the portion of the LEA's FY 2009 Title I, Part A allocation provided through the regular FY 2009 appropriation / the LEA's total FY 2009 Title I, Part A allocation, including Title I, Part A ARRA funds

multiplied by

10 percent.

As long as it complies with the requirements of section 1113 of the ESEA with respect to serving eligible school attendance areas with its FY 2009 Title I, Part A allocation (consisting of Title I, Part A funds received through the ARRA and the regular FY 2009 appropriation), an LEA has discretion with respect to how it will allocate its Title I, Part A funds to its Title I schools. Accordingly, Alaska believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by ensuring that no school within an LEA that implements this waiver will be obligated to spend a disproportionate amount of the Title I, Part A funds available to it on professional development activities. Alaska believes that the basic 10 percent set-aside, which schools in improvement will still have to provide, is substantial and that requiring significantly more funds to be spent on professional development may actually be counter-productive by overwhelming teachers, many of whom are already over-scheduled and cannot meaningfully absorb substantially more professional development.

Alaska has set the following annual measurable objectives (AMOs) in reading and mathematics for the 2009–2010 school year:

School Year	Annual Measurable Objective for Language Arts	Annual Measurable Objective for Math
2009-2010	77.18%	66.09%

Alaska will determine adequate yearly progress (AYP) based on assessments administered in the 2009–2010 school year in accordance with the requirements of section 1111(b)(2) of the ESEA and in accordance with the growth model approved by the Department. Alaska believes that, ultimately, ensuring

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that a school is not obligated to spend a disproportionate amount of Title I, Part A funds on professional development may help more schools and LEAs within the State make AYP by enabling them to direct an appropriate portion of their funds to activities other than professional development that they believe will help their students meet the AMOs set forth above. Through the waiver, each school can determine whether its professional development needs warrant expending Title I, Part A ARRA funds to meet those needs.

Alaska hereby assures that, if it is granted the requested waiver, Alaska will implement the waiver only with respect to an LEA that provides assurances that:

- It will ensure that its schools will implement the waiver in accordance with the formula above;
- It will ensure that all schools in improvement within the LEA will comply with all statutory and regulatory requirements regarding their professional development obligations with respect to the funds that are not “factored out” in accordance with the formula above;
- It will ensure that its schools use the funds freed up by the waiver to address needs identified based on data, such as Statewide or formative assessment results; and
- It and its schools in improvement will comply with all of their other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research.

Prior to submitting this waiver request, Alaska provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Alaska provided such notice by sending an email to each LEA on July 17, 2009 (see copy of notice attached). Copies of all comments that Alaska received from LEAs in response to this notice are attached hereto. Alaska has also provided notice and information regarding this waiver request to the public in the manner in which Alaska customarily provides such notice and information to the public by publishing the notice on the department’s website at [www.eed.state.ak.us](http://www.eed.state.ak.us) and by publishing the link to the notice in the regularly published *Information Exchange* on July 17, 2009. (See attached copy of public notice).

Alaska hereby assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2010, a report that sets forth the name and NCES District Identification Number for each LEA implementing the waiver.

Please feel free to contact me by phone at 907-465-28570 or by email at [cynthia.curran@alaska.gov](mailto:cynthia.curran@alaska.gov) if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Cynthia Curran, Director  
Teaching and Learning Support

**5. REQUEST TO EXCLUDE TITLE I, PART A ARRA FUNDS IN DETERMINING  
THE PER-PUPIL AMOUNT FOR SES**

Dear Assistant Secretary:

I am writing on behalf of all local educational agencies (LEAs) in Alaska that receive funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) to request a waiver for fiscal year (FY) 2009 of the requirement in section 1116(e)(6)(A) of the ESEA and in 34 C.F.R. § 200.48(c)(1) to determine the per-pupil amount for supplemental educational services (SES) based on an LEA's total FY 2009 Title I, Part A allocation (*i.e.*, including both its regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)). Specifically, I am seeking this waiver to allow LEAs within Alaska to exclude some or all of the Title I, Part A funds they receive under ARRA in calculating the per-pupil amount for SES. Alaska believes that the requested waiver, by reducing the per-pupil amount, will allow LEAs to provide SES to a greater number of students.

Alaska has set the following annual measurable objectives (AMOs) in reading and mathematics for the 2009–2010 school year:

School Year	Annual Measurable Objective for Language Arts	Annual Measurable Objective for Math
2009-2010	77.18%	66.09%

Alaska will determine adequate yearly progress (AYP) based on assessments administered in the 2009–2010 school year in accordance with the requirements of section 1111(b)(2) of the ESEA and in accordance with the growth model approved by the Department. Alaska believes that, ultimately, allowing an LEA to exclude some or all of its ARRA funds in determining the per-pupil amount for SES and thereby allowing more students to receive SES may help more schools and LEAs within the State make AYP by enabling more students to receive services that will help them meet the AMOs set forth above.

If Alaska is granted the requested waiver, Alaska will implement the waiver only with respect to an LEA that provides assurances that:

- (1) It will comply with all of the statutory and regulatory requirements regarding the provision of SES with respect to its regular FY 2009 Title I, Part A allocation; and
- (2) It will comply with all other Title I, Part A statutory and regulatory requirements (to the extent they are not waived), including the requirements in sections 1114 and 1115 of the ESEA to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research.”

Prior to submitting this waiver request, Alaska provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Alaska provided such notice by sending an email to each LEA on July 17, 2009 (see copy of notice attached). Copies of all comments that Alaska received from LEAs in response to this notice are attached hereto. Alaska has also provided notice and information regarding this waiver request to the public in the manner in which Alaska customarily provides such notice and information to the public by publishing the notice on the department's website at [www.eed.state.ak.us](http://www.eed.state.ak.us) and by publishing the link to the notice in the regularly published *Information Exchange* on July 17, 2009. (See attached copy of public notice).

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Alaska hereby assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2010, a report that provides the name and NCES District Identification Number for each LEA implementing the waiver.

Please feel free to contact me by phone at 907-465-28570 or by email at [cynthia.curran@alaska.gov](mailto:cynthia.curran@alaska.gov) if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Cynthia Curran, Director  
Teaching and Learning Support

***Draft Alaska Title I-A Waiver Requests***  
***July 2009***

**6. REQUEST TO WAIVE THE PROVISION THAT PROHIBITS AN SEA FROM GRANTING TO AN LEA  
A WAIVER OF THE CARRYOVER LIMITATION MORE THAN ONCE EVERY THREE YEARS**

Dear Assistant Secretary:

I am writing on behalf of Alaska to request a waiver of the limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits a State educational agency (SEA) from granting to a local educational agency (LEA) a waiver of the carryover limitation in section 1127(a) of the ESEA more than once every three years. Section 1127(b) permits an SEA to waive the limitation in section 1127(a) once every three years if: (1) the LEA's request is reasonable and necessary; or (2) a supplemental Title I, Part A appropriation becomes available. In accordance with these provisions, I am requesting a waiver to allow Alaska to waive the carryover limitation more than once every three years for an LEA that needs the additional waiver(s) because of its Title I, Part A funds made available under the American Recovery and Reinvestment Act of 2009 (ARRA), which is, by definition, a supplemental Title I, Part A appropriation. I am requesting this waiver for a period of two years (*i.e.*, to apply to LEA requests to carry over fiscal year (FY) 2009 Title I, Part A funds and to LEA requests to carry over FY 2010 Title I, Part A funds in excess of the carryover limitation).

Alaska has set the following annual measurable objectives (AMOs) in reading and mathematics for the 2010–2011 and 2011–2012 school years:

School Year	Annual Measurable Objective for Language Arts	Annual Measurable Objective for Math
2009-2010	77.18%	66.09%

Alaska will determine adequate yearly progress (AYP) based on assessments administered in the 2010–2011 and 2011–2012 school years in accordance with the requirements of section 1111(b)(2) of the ESEA and in accordance with the growth model approved by the Department. Alaska believes that the requested waiver will provide the State with the ability to grant an LEA the flexibility it needs to spend its Title I, Part A ARRA funds thoughtfully over the course of two years on activities that are most likely to improve the academic achievement of students. Accordingly, Alaska believes that, ultimately, the requested waiver may help more schools and LEAs within the State make AYP by enabling them to direct their funds thoughtfully to activities that will help their students meet the AMOs set forth above.

Alaska will ensure that an LEA that is interested in obtaining a waiver of the carryover limitation in section 1127(a) so that it can carry over more than 15 percent of its Title I, Part A FY 2009 or FY 2010 allocation and has already received such a waiver within the prior three years (or receives such a waiver with respect to its FY 2009 funds), applies to the SEA in accordance with Alaska's regular procedures for waivers of the carryover limitation. Alaska hereby assures that it will implement the requested waiver only with respect to an LEA that needs a waiver of the carryover limitation for the second (or third) time within three years because of its ARRA funds.

Prior to submitting this waiver request, Alaska provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Alaska provided such notice by sending an email to each LEA on July 17, 2009 (see copy of notice attached). Copies of all comments that Alaska received from LEAs in response to this notice are attached hereto. Alaska has also provided notice and information regarding this waiver request to the public in the manner in which Alaska customarily provides such notice and information to the public by publishing the notice on the department's website at

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www.eed.state.ak.us and by publishing the link to the notice in the regularly published *Information Exchange* on July 17, 2009. (See attached copy of public notice).

Please feel free to contact me by phone at 907-465-28570 or by email at [cynthia.curran@alaska.gov](mailto:cynthia.curran@alaska.gov) if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Cynthia Curran, Director  
Teaching and Learning Support